



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11 Response  
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(tw)

APPLICANT: Vladimir Dubinsky et al. §

Group Art Unit: 2635

SERIAL NO.: 09/820,065 §

FILED: March 28, 2001 §

Examiner: Hung Q. Dang §

JUL 07 2004

TITLE: "Resonant Acoustic Transmitter  
Apparatus and Method for  
Signal Transmission" §

Confirmation No.: 4046 §

Atty Docket No.: 414-12346-CIP

Technology Center 2600

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**RESPONSE TO FINAL OFFICE ACTION DATED MARCH 26, 2004**

This is in response to the Final Office Action dated March 26, 2004, hereinafter the Office Action. This response is being submitted along with a Request for Continued Examination. Applicant respectfully requests reconsideration in view of the following remarks.

**REMARKS**

Claims 1-33 are pending in the application. Claims 1-33 stand finally rejected.

**Rejections Under 35 U.S.C. § 102**

Claims 23, 24, 28, 29 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Petersen et al. U.S. Patent 4,314,365. Applicant respectfully traverses and requests reconsideration, because the Examiner has failed to present a prima facie case of anticipation.

Applicant argued in the previous response that the '365 reference does not teach each and every element of claim 23, because there is no teaching of an acoustic actuator or reaction mass disposed within a well borehole. }

The Examiner asserts that the claim limitations do not include an acoustic actuator or reaction mass disposed within a well borehole, and therefore the argument was not persuasive. Applicant respectfully requests reconsideration, because method claim 23 clearly and unambiguously includes conveying a reaction mass and an acoustic actuator